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DEFAULT SUSPENSION

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Dated this 11th day of August, 2021.


Linda Young, RN, MS, FRC
Executive Director

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Licensee.

COMPLAINT

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Parties and Jurisdiction

1. Pursuant to SDCL § 36-9-1.1: “It is the responsibility of the State to safeguard life, health and the public welfare, and to protect citizens from unauthorized, unqualified and improper application of nursing education programs and nursing practices.” To achieve this responsibility, “regulatory authority shall be vested in the South Dakota Board of Nursing.”
2. Licensee is licensed to practice as an advanced practice nurse in the State of South Dakota under North Dakota license number SD CP001379.
3. The Board has been notified by its administrator of claimed misconduct by Licensee under ARSD 20:48:08:10 (from date of the Complaint to June 30, 2021) and SDCL § 36-1C et. seq. (as of July 1, 2021), that, if confirmed, may constitute action warranting discipline or corrective action under SDCL § 36-9-49.

4. For this reason, and pursuant to SDCL § 36-1C-7, the Board has commenced formal proceedings under SDCL § 1-26 by serving, through e-mail and mail to the Licensee's last known address, this formal complaint.

5. In compliance with SDCL Ch. 1-26, the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1.

Facts

6. In April 2021, Licensee pled guilty to conspiracy to commit health-care fraud, which led to a felony conviction.

7. Between October 15, 2017 through April 24, 2019, Licensee worked with staffing and telemedicine companies to commit health-care fraud and received money to sign unnecessary brace orders for Medicare beneficiaries regardless of medical necessity and often without ever talking to the Medicare beneficiary.

8. Licensee signed approximately 7,097 brace orders, which resulted in \$10,055,436 billed to Medicare, of which Medicare paid \$5,054,866.

9. Licensee was paid at least \$124,900 for orders he signed.

10. Licensee is licensed in multiple states, including North Dakota, Montana, Washington, Iowa, Minnesota, and Massachusetts.

11. The South Dakota Board of Nursing became aware of the felony conviction when action was taken on Licensee's license by another state.

12. Upon receiving notice of the felony conviction, the South Dakota Board of Nursing's investigative committee sent written notice of the complaint to Licensee via e-mail and mail at the last address on file with the South Dakota Board of Nursing database.

13. Licensee has not responded to the notice of the complaint. The investigative committee attempted phone contact with Licensee, but Licensee's mailbox is full.

Ground for Discipline or Corrective Action

SDCL § 36-9-49

14. Pursuant to SDCL § 36-9-69, it shall be necessary to prove in any prosecution for any violation of this chapter only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation.

15. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9A-49 (11), in that Licensee has been convicted of a felony for a crime of dishonesty and may therefore pose a risk to the persons entrusted to Licensee's care.

16. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9A-49 (9), in that Licensee engaged in unprofessional or dishonorable conduct.

17. Based upon the above facts, Licensee has engaged in conduct in violation of SDCL § 36-9A-49 (5), in that Licensee negligently, willfully, or intentionally acted in a manner inconsistent with the health and safety of persons entrusted to Licensee's care.

Demand for Relief

WHEREFORE, the undersigned attorney for the South Dakota Board of Nursing prays that the Board enter its Findings of Fact, Conclusions of Law, and Order:

A. Granting such disciplinary and corrective action the Board deems just and appropriate to protect the citizens of this State from Registrant's unauthorized, unqualified and/or improper nursing practices;


B. Ordering Registrant pay the Board for its actual expenses associated with this contested case proceeding pursuant to SDCL § 1-26-29.1; and

C. Granting such other and further relief as the Board deems just and proper in the premises.

Dated this 23rd day of June, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By: _____


Michele A. Munson
300 South Phillips Avenue, Suite 300
P.O. Box 5027
Sioux Falls, South Dakota 57117-5027
(605)336-3890
Attorneys for South Dakota Board of Nursing

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2021, I sent to Mark Hill, P.O. Box 94, 380 6th Ave. S, Edinburg, ND 58227, via U.S. first class mail, postage prepaid, and via e-mail, hillsbadhabit.mark@gmail.com, a true and correct copy of the Complaint.



One of the Attorneys for South Dakota Board of Nursing

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NOTICE OF HEARING

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Pursuant to SDCL § 1-26-17, please take notice that:

2. The Board has jurisdiction over these proceedings pursuant to SDCL 36-9-1.1, which states it is the responsibility of the State to safeguard life, health and the public welfare, and to protect citizens from unauthorized, unqualified and improper application of nursing education programs and nursing practices. To achieve this responsibility, "regulatory authority shall be vested in the South Dakota Board of Nursing."

3. The legal authority for these proceedings includes statutes SDCL 36-9; SDCL 36-1C; and South Dakota's Administrative Procedures Act, SDCL 1-26.

4. Specifically, the hearing will address the Board's assertion as set forth in the Complaint that the Licensee violated SDCL § 36-9A-49 (11), in that Licensee has been convicted of a felony for a crime of dishonesty and may therefore pose a risk to the persons entrusted to Licensee's care; SDCL § 36-9A-49 (9), in that Licensee engaged in unprofessional or dishonorable conduct; and SDCL § 36-9A-49 (5), in that Licensee negligently, willfully, or intentionally acted in a manner inconsistent with the health and safety of persons entrusted to Licensee's care. The allegations in the Complaint are incorporated herein by reference.

5. At the hearing, the Board will determine what action shall be taken on Licensee's license, which can include up to and including, a letter of reprimand, probation, mandatory participation in the South Dakota Health Professionals Assistance Program (SD HPAP), revocation, suspension, annulment, withdrawal, or other disciplinary or corrective action as determined appropriate by the Board to fulfill its responsibilities under SDCL 36-9-1.1.

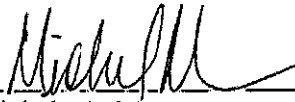
6. This is an adversarial proceeding under SDCL Ch. 1-26. Licensee has a right to a contested hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to a contested hearing before the Board, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board. These due process rights will be forfeited if they are not exercised at the hearing.

7. The Board has requested the presence of an Administrative Law Judge from the Office of Hearing Examiners to preside over this proceeding.

8. The decision issued by the Board after the hearing may be appealed to the South Dakota Circuit Court and the South Dakota Supreme Court, as provided by law.

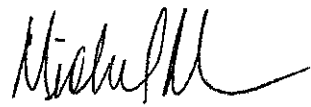
Dated this 14th day of July, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By 
Michele A. Munson
300 South Phillips Avenue, Suite 300
P.O. Box 5027
Sioux Falls, South Dakota 57117-5027
(605)336-3890
Attorneys for South Dakota Board of Nursing

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2021, I sent to Mark Hill, P.O. Box 94
380 6th Ave. S; Edinburg, ND 58227, via U.S. first class mail, postage prepaid, and via e-mail,
hillsbadhabit.mark@gmail.com, a true and correct copy of the Notice of Hearing.



One of the Attorneys for South Dakota Board of Nursing